IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

WP(C).No. 34460 of 2007(B)

PETITIONERS:
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1. THE CHAIRMAN, MONIPPALLY MARKETING CO-OPERATIVE SOCIETY LTD.NO.4052, MONIPPALLY, PIN - 686636, KOTTAYAM DISTRICT.

2. THE GENERAL MANAGER, MONIPPALLY MARKETING CO-OPERATIVE SOCIETY LTD.NO.4052, MONIPPALLY, PIN-686636 KOTTAYAM DISTRICT.

BY ADV. SRI.M.A.ABDUL HAKHIM

RESPONDENTS:
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1. K.M.THOMAS, KUZHIVELIL, POOVAKKULAM, KARAMALA P.O, PIN - 686 662, KOTTAYAM DISTRICT.

2. THE INDUSTRIAL TRIBUNAL, IDUKKI, ELAPPARA - PIN 685501.

BY GOVERNMENT PLEADER SRI. A.J. VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)No.34460 OF 2007

Dated this the 22nd day of November, 2007

JUDGMENT

The petitioner is the management in I.D.No.41 of 2004 pending before the Industrial Tribunal, Idukki. In the same, the issue involved is dismissal of the workman involved in the industrial dispute. Since the workman was dismissed from service after being found guilty of misconducts in a domestic enquiry, the validity of the domestic enquiry was considered as preliminary point and the Tribunal found that the enquiry is vitiated for violation of principles of natural jsutice on the ground that the workman had not been paid subsistence allowance. Ext.P4 is the preliminary order of the Tribunal. The petitioner challenges the same.

2. I have heard the learned counsel for the petitioner. The Supreme Court and this Court had repeatedly frowned upon challenging of preliminary orders. The petitioner has not been able to satisfy me that there are special reasons why this Court should interfere with Ext.P4 preliminary order at this stage itself.

The petitioner would have ample chance to challange this order also while challenging the final award to be passed in the industrial dispute. Therefore, without prejudice to the right of the petitioner to challenge Ext.P4 order while challenging the final award to be passed in the industrial dispute, this writ petition is dismissed.

S. SIRI JAGAN, JUDGE

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